

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE: CESSNA 208 SERIES AIRCRAFT)	
PRODUCTS LIABILITY LITIGATION)	
)	MDL No. 1721
)	
(This document relates to only)	
<i>Konovalova, et al. v. Cessna Aircraft Co.,</i>)	
<i>et al., Case No. 07-cv-10389 J. Scheindlin)</i>)	
)	
)	

**DEFENDANT GOODRICH CORPORATION'S ANSWER
TO PLAINTIFFS' COMPLAINT**

Defendant Goodrich Corporation (hereinafter, "Goodrich"), hereby files its Answer to Plaintiffs' Complaint with Request for Jury Trial.

**RESPONSE TO ALLEGATIONS OF
JURISDICTION AND VENUE**

1. In response to paragraph 1 of this section, Goodrich admits that the Complaint purports to assert an action for damages arising from an aircraft accident in Moscow, Russia on November 19, 2005, but lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 1.

2. In response to paragraph 2 of this section, Goodrich admits it is incorporated in the State of New York with its principal place of business in the State of North Carolina. Goodrich denies the remaining allegations of paragraph 2 and subparts (a) through (f), because it lacks knowledge or information sufficient to form a belief as to the truth thereof.

3. Paragraph 3 asserts legal conclusions to which Goodrich responds by denying that a substantial part of the events or omissions giving rise to the claim

occurred in the Southern District of New York, while further denying that any such alleged events or omissions confer liability on any basis occurred. Goodrich denies the assertion that no other district is proper in which to file the action.

RESPONSE TO GENERAL ALLEGATIONS

1. The allegations contained in paragraph 1 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient knowledge upon which to form a belief as to the truth of the allegations therein.

2. The allegations contained in paragraph 2 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient knowledge upon which to form a belief as to the truth of the allegations therein.

3. The allegations contained in paragraph 3 of this section are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient knowledge upon which to form a belief as to the truth of the allegations therein.

4. In response to paragraph 4, Goodrich admits that it is in the business of, among other things, designing in part and manufacturing aircraft de-icing equipment which is incorporated into airplanes by others. Goodrich lacks knowledge or information sufficient to form a belief as to the truth of the allegation that Goodrich designed and manufactured the aircraft de-icing equipment incorporated on the accident aircraft. Goodrich denies all remaining allegations of paragraph 4.

5. In response to paragraph 5, Goodrich admits that as part of its business relating to aircraft de-icing equipment, it provides customer support. Goodrich lacks knowledge sufficient to form a belief as to the truth of the allegation that Goodrich

provided customer support relating to the aircraft de-icing equipment incorporated on the accident aircraft. Goodrich denies all remaining allegations of paragraph 5.

6. Goodrich admits that Cessna Caravan 208B Model aircraft are certified by the United States Department of Transportation, Federal Aviation Administration for flight into "known icing" conditions as defined in the Code of Federal Regulations. Goodrich lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations therein.

7. Regarding the assertion contained in paragraph 7, Goodrich lacks sufficient knowledge upon which to form a belief as to the truth of the allegations therein.

**RESPONSE TO FIRST CLAIM FOR RELIEF –
PRODUCT LIABILITY – CESSNA**

1 through 7. Goodrich restates and repeats the responses contained in its answers to paragraphs 1 through 7 of the General Allegations as though set forth herein.

8. The allegations contained in paragraph 8 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient knowledge upon which to form a belief as to the truth of the allegations therein.

9. The allegations contained in paragraph 9 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

10. The allegations contained in paragraph 10 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

11. The allegations contained in paragraph 11 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

12. The allegations contained in paragraph 12 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

13. The allegations contained in paragraph 13 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

14. The allegations contained in paragraph 14 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

15. The allegations contained in paragraph 15 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

16. The allegations contained in paragraph 16 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

17. The allegations contained in paragraph 17 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

18. The allegations contained in paragraph 18 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

**RESPONSE TO SECOND CLAIM FOR RELIEF –
NEGLIGENCE – CESSNA**

1 through 7. Goodrich restates and repeats the responses contained in its answers to paragraphs 1 through 7 of the General Allegations as though set forth herein.

8. The allegations contained in paragraph 8 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient knowledge upon which to form a belief as to the truth of the allegations therein.

9. The allegations contained in paragraph 9 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

10. The allegations contained in paragraph 10 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

11. The allegations contained in paragraph 11 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

12. The allegations contained in paragraph 12 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

13. The allegations contained in paragraph 13 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

14. The allegations contained in paragraph 14 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

15. The allegations contained in paragraph 15 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

16. The allegations contained in paragraph 16 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

17. The allegations contained in paragraph 17 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

18. The allegations contained in paragraph 18 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

**RESPONSE TO THIRD CLAIM FOR RELIEF –
BREACH OF WARRANTY – CESSNA**

1 through 7. Goodrich restates and repeats the responses contained in its answers to paragraphs 1 through 7 of the General Allegations as though set forth herein.

8. The allegations contained in paragraph 8 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient knowledge upon which to form a belief as to the truth of the allegations therein.

9. The allegations contained in paragraph 9 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

10. The allegations contained in paragraph 10 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

11. The allegations contained in paragraph 11 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

12. The allegations contained in paragraph 12 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth therein.

13. The allegations contained in paragraph 13 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

14. The allegations contained in paragraph 14 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

15. The allegations contained in paragraph 15 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

16. The allegations contained in paragraph 16 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

17. The allegations contained in paragraph 17 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

18. The allegations contained in paragraph 18 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

19. The allegations contained in paragraph 19 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

**RESPONSE TO FOURTH CLAIM FOR RELIEF –
FRAUD – CESSNA**

1 through 7. Goodrich restates and repeats the responses contained in its answers to paragraphs 1 through 7 of the General Allegations as though set forth herein.

8. The allegations contained in paragraph 8 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

9. The allegations contained in paragraph 9 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

10. The allegations contained in paragraph 10 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

11. The allegations contained in paragraph 11 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

12. The allegations contained in paragraph 12 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

13. The allegations contained in paragraph 13 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

14. The allegations contained in paragraph 14 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

15. The allegations contained in paragraph 15 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

16. The allegations contained in paragraph 16 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

17. The allegations contained in paragraph 17 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

18. The allegations contained in paragraph 18 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

19. The allegations contained in paragraph 19 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

20. The allegations contained in paragraph 20 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

21. The allegations contained in paragraph 21 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

22. The allegations contained in paragraph 22 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

23. The allegations contained in paragraph 23 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

24. The allegations contained in paragraph 24 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

25. The allegations contained in paragraph 25 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

26. The allegations contained in paragraph 26 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations therein.

**RESPONSE TO FIFTH CLAIM FOR RELIEF –
PUNITIVE DAMAGES – CESSNA**

1 through 26. Goodrich restates and repeats the responses contained in its answers to paragraphs 1 through 26 of Plaintiffs' Fourth Claim for Relief as though set forth herein.

27. The allegations contained in paragraph 27 are not directed to Goodrich. To the extent that a response is required, Goodrich lacks sufficient knowledge upon which to form a belief as to the truth of the allegations therein.

**RESPONSE TO SIXTH CLAIM FOR RELIEF –
PRODUCT LIABILITY – GOODRICH**

1 through 7. Goodrich restates and repeats the responses contained in its answers to paragraphs 1 through 7 of the General Allegations as though set forth herein.

8. Goodrich lacks sufficient information upon which to form a belief as to the truth of the allegations in paragraph 8.

9. Goodrich denies the allegations in paragraph 9.

10. Goodrich denies the allegations in paragraph 10.

11. Goodrich lacks sufficient information regarding the allegations in paragraph 11 upon which to form a belief as to the truth of the allegations therein.

12. Goodrich lacks sufficient information regarding the allegations in paragraph 12 upon which to form a belief as to the truth of the allegations therein.

13. Goodrich lacks sufficient information regarding the allegations in paragraph 13 upon which to form a belief as to the truth of the allegations therein.

14. Goodrich lacks sufficient information regarding the allegations in paragraph 14 upon which to form a belief as to the truth of the allegations therein.

15. Goodrich denies the allegations in paragraph 15.

16. Goodrich lacks sufficient information regarding the allegations in paragraph 16 upon which to form a belief as to the truth of the allegations therein.

17. Goodrich lacks sufficient information regarding the allegations in paragraph 17 upon which to form a belief as to the truth of the allegations therein.

18. Goodrich lacks sufficient information regarding the allegations in paragraph 18 upon which to form a belief as to the truth of the allegations therein.

**RESPONSE TO SEVENTH CLAIM FOR RELIEF –
NEGLIGENCE – GOODRICH**

1 through 7. Goodrich restates and repeats the responses contained in its answers to paragraphs 1 through 7 of the General Allegations as though fully set forth herein.

8. Paragraph 8 states a legal conclusion to which no response is required. To the extent a response is required, Goodrich denies all allegations to the extent they pertain to any component part designed, manufactured or sold by Goodrich. Otherwise, Goodrich is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations therein.

9. Goodrich denies the allegations in paragraph 9.

10. Goodrich denies the allegations in paragraph 10.

11. Goodrich lacks sufficient information regarding the allegations in paragraph 11 upon which to form a belief as to the truth therein.

12. Goodrich lacks sufficient information regarding the allegations in paragraph 12 upon which to form a belief as to the truth therein.

13. Goodrich lacks sufficient information regarding the allegations in paragraph 13 upon which to form a belief as to the truth therein.

14. Goodrich lacks sufficient information regarding the allegations in paragraph 14 upon which to form a belief as to the truth therein.

15. Goodrich denies the allegations in paragraph 15.

16. Goodrich lacks sufficient information regarding the allegations in paragraph 16 upon which to form a belief as to the truth therein.

17. Goodrich lacks sufficient information regarding the allegations in paragraph 17 upon which to form a belief as to the truth therein.

18. Goodrich lacks sufficient information regarding the allegations in paragraph 18 upon which to form a belief as to the truth therein.

**RESPONSE TO EIGHTH CLAIM FOR RELIEF –
BREACH OF WARRANTY – GOODRICH**

1 through 7. Goodrich restates and repeats the responses contained in its answers to paragraphs 1 through 7 of the General Allegations as though fully set forth herein.

8. Goodrich denies the allegations in paragraph 8.

9. Goodrich denies the allegations in paragraph 9.

10. Goodrich denies the allegations in paragraph 10.

11. Goodrich lacks sufficient information regarding the allegations in paragraph 11 upon which to form a belief as to the truth therein. Goodrich denies that it breached any warranty.

12. Goodrich lacks sufficient information regarding the allegations in paragraph 12 upon which to form a belief as to the truth therein.

13. Goodrich lacks sufficient information regarding the allegations in paragraph 13 upon which to form a belief as to the truth therein.

14. Goodrich lacks sufficient information regarding the allegations in paragraph 14 upon which to form a belief as to the truth therein.

15. Goodrich lacks sufficient information regarding the allegations in paragraph 15 upon which to form a belief as to the truth therein.

16. Goodrich denies the allegations in paragraph 16.

17. Goodrich lacks sufficient information regarding the allegations in paragraph 17 upon which to form a belief as to the truth therein.

18. Goodrich lacks sufficient information regarding the allegations in paragraph 18 upon which to form a belief as to the truth therein.

19. Goodrich lacks sufficient information regarding the allegations in paragraph 19 upon which to form a belief as to the truth therein.

AFFIRMATIVE DEFENSES

1. Plaintiffs' Complaint fails to state or set forth any claim upon which relief can be granted against Goodrich.

2. All or some of Plaintiffs' claims in this case are barred by the applicable Statute of Limitations.

3. If the occurrence, damages and injuries in question were, in fact, caused by negligence or fault, then such occurrence, damages and injuries were caused by failures to act or negligence or fault on the part of other persons, including the flight crew or other entities, for which conduct Goodrich has absolutely no responsibility whatsoever, and for such reasons, among others, Goodrich has no liability to Plaintiffs.

4. The components of the aircraft in question were designed and manufactured in conformity with the generally recognized and prevailing standards and the state of the art in existence at the time of such design and manufacture and Goodrich, therefore, has no liability to Plaintiffs.

5. If, as alleged by Plaintiffs, the aircraft in question or any of its component parts were defective in some alleged fashion at the time and place in question, then such alleged defective condition would have been and was created and caused by

persons or entities other than Goodrich or by events for which Goodrich has no responsibility, and Goodrich therefore has no liability to Plaintiffs.

6. If, as alleged by Plaintiffs, the aircraft in question or any of its component parts were defective in some alleged fashion at the time and place in question, then such was not the fault of Goodrich, but is attributable to an intervening and superseding cause or causes not attributable to Goodrich and for which Goodrich has no responsibility.

7. Subject to further investigation and discovery, and in order to avoid any waiver of this defense, Goodrich alleges that the flight crew and Plaintiffs' negligence, fault, and assumption of a known risk caused or contributed to cause the accident and Plaintiffs' alleged injuries, which eliminates or diminishes Goodrich's liability to Plaintiffs.

8. Privity of contract between Plaintiffs and this Defendant is totally lacking, and for this reason, among others, Goodrich has no liability to Plaintiffs.

9. Goodrich is entitled to a set off for any recovery that Plaintiffs may receive from any collateral source by way of settlement and/or benefits received from any source for the damages complained of.

10. If Plaintiffs were damaged by products originally designed, manufactured, assembled, inspected, tested, or sold by Goodrich, those products were subsequently installed, removed, exchanged, altered, modified, retrofitted, overhauled, remanufactured, improperly maintained, or misused by persons and/or entities other than Goodrich, and over whom Goodrich had no control or right of control, without Goodrich's knowledge, consent or advice, following the date of initial manufacture and sale of such products, and such installation, removal, change, alteration, modification,

retrofitting, overhauling, remanufacturing, improper maintenance, or misuse proximately caused and contributed to the events alleged in the Complaint and the resulting damages complained of, if any.

11. The Complaint and each cause of action therein should be dismissed on the ground that Plaintiffs failed to join necessary and indispensable parties.

12. The benefits of the design of the subject aircraft and each component part contained therein outweighed the inherent risks, if any.

13. Venue is improper in this district.

14. Plaintiffs' claims are subject to dismissal pursuant to the legal doctrine of *forum non conveniens*.

15. At the time any pneumatic de-icer components left Goodrich's possession, custody, and control, and at all relevant times, they were not defective in design, warning, manufacture nor was it unreasonably dangerous for use because Goodrich conducted itself in accordance with the standard of care required under the applicable law; the design, warnings and assembly of the component were at all times consistent with the custom and practice of other designers, manufacturers, and sellers of similar products, and in accordance with relevant industry standards and governmental statutes, regulations, and codes.

16. Pursuant to Fed.R.Civ. P 44.1, Plaintiffs' action may be governed, in whole or in part, by Russian Law.

17. Plaintiffs lack capacity to bring this action.

18. Plaintiffs' claims for non-economic losses are limited by the substantive law applicable to their claims.

19. This Court lacks personal jurisdiction over Goodrich.

20. Goodrich states that plaintiffs' claims are barred by the doctrine of federal pre-emption because the design of any allegedly defective components was specifically approved by the Federal Aviation Administration pursuant to federal law and regulation.

21. Goodrich specifically reserves the right to allege additional affirmative defenses.

WHEREFORE, Defendant Goodrich Corporation prays for judgment in its favor, for its costs including all reasonable attorney's fees and all other relief to which it may be entitled.

DEMAND FOR JURY TRIAL

Goodrich demands a trial by jury.

Respectfully submitted



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**ATTORNEYS FOR DEFENDANT
GOODRICH CORPORATION**

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of May, 2008, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing to the following persons:

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